

We means the United States Coast Guard.

You, unless otherwise specified, means the owner, operator, or charterer of a passenger vessel.

[CGD 91-012, 61 FR 37652, July 18, 1996, as amended by CGD91-012, 63 FR 53590, Oct. 6, 1998; USCG-2001-9044, 68 FR 42602, July 18, 2003]

§ 120.120 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must make the material available to the public. All approved material may be inspected at the U.S. Coast Guard, (G-MES), 2100 Second Street SW., Washington, DC. Copies may be obtained from IMO, 4 Albert Embankment, London SE1 7SR, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The materials approved for incorporation by reference in this part and the sections affected are:

INTERNATIONAL MARITIME ORGANIZATION
(IMO)

4 Albert Embankment, London SE1 7SR MSC
Circular 443, Measures to Prevent Unlawful
Acts Against Passengers and Crews on
Board Ships September 26, 1986—120.220,
120.300

Subpart B—Security Program

[CGD 91-012, 61 FR 37652, July 18, 1996, as amended at 69 FR 18803, Apr. 9, 2004]

§ 120.200 What must my Vessel Security Program cover?

(a) If this part applies to your passenger vessel, you must implement a program for that vessel that—

(1) Provides for the safety and security of persons and property traveling

aboard the vessel, against unlawful acts;

(2) Prevents or deters the carriage aboard the vessel of any prohibited weapon, incendiary, or explosive, on or about any person or within his or her personal articles or baggage, and the carriage of any prohibited weapon, incendiary, or explosive, in stowed baggage, cargo, or stores;

(3) Prevents or deters unauthorized access to the vessel and to restricted areas aboard the vessel;

(4) Provides appropriate security measures for Security Levels I, II, and III that allow for increases in security when the Commandant or Captain of the Port (COTP) advises you that a threat of an unlawful act exists and may affect the vessel or any person aboard it;

(5) Designates, by name, a security officer for the vessel;

(6) Ensures that all members of the crew are adequately trained to perform their duties relative to security; and

(7) Provides for coordination with terminal security while in port.

(b) If this part applies to your passenger vessel, you must work with the operator of each terminal at which that vessel embarks or disembarks passengers, to provide security for the passengers and the vessel. You need not duplicate any provisions fulfilled by the terminal unless directed to by the Commandant. When a provision is fulfilled by the terminal, the applicable section of the Vessel Security Plan required by § 120.300 must refer to that fact.

[CGD91-012, 63 FR 53590, Oct. 6, 1998]

§ 120.210 What are the responsibilities of my vessel security officer?

(a) If this part applies to your passenger vessel, you must designate a security officer for your vessel.

(b) This officer must ensure that—

(1) An initial comprehensive security survey is conducted and updated;

(2) The Vessel Security Plan required by § 120.300 is implemented and maintained, and amendments to correct its deficiencies and satisfy the security requirements for the vessel are proposed;

(3) Adequate training for members of the crew responsible for security is provided;

(4) Regular security inspections of the vessel are conducted;

(5) Vigilance is encouraged, as well as is general awareness of security, aboard the vessel;

(6) All occurrences or suspected occurrences of unlawful acts and related activities are reported under § 120.220; and

(7) Coordination, for implementation of the Vessel Security Plan required by § 120.300, takes place with the terminal security officer at each terminal where the vessel embarks or disembarks passengers.

[CGD91-012, 63 FR 53590, Oct. 6, 1998]

§ 120.220 What must I do to report an unlawful act and related activity?

(a) Either you or the vessel security officer must report each breach of security, unlawful act, or threat of an unlawful act against any of your passenger vessels to which this part applies, or against any person aboard it, that occurs in a place subject to the jurisdiction of the United States. You must report the incident to both the COTP and to the local office of the Federal Bureau of Investigation (FBI). Also, if your vessel is a U.S.-flag vessel, you must report each such incident that occurs in a place outside the jurisdiction of the United States to the hotline of the Response Center of the Department of Homeland Security at 1-800-424-0201, or, from within metropolitan Washington, D.C., at 202-267-2675.

(b) Either you or the vessel security officer must file a written report of the incident, using the form "Report on an Unlawful Act," contained in IMO MSC Circular 443, which you or the officer must forward as soon as possible to Commandant (G-MOR), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. You may initially file the report with Commandant (G-MOR) by fax at (202) 267-4085 or -4065.

[CGD91-012, 63 FR 53590, Oct. 6, 1998, as amended by USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

Subpart C—Plans and Procedures for Vessel Security

§ 120.300 What is required to be in a Vessel Security Plan?

(a) If your passenger vessel is subject to this part, you must develop and maintain, in writing, for that vessel, an appropriate Vessel Security Plan that—

- (1) Is unique to the vessel;
- (2) Articulates the program required by § 120.200; and
- (3) Includes an appendix, for each port where the vessel embarks or disembarks passengers, that contains port-specific security information.

(b) The Vessel Security Plan must be developed and maintained under the guidance in IMO MSC Circular 443, and must establish security measures to take for Security Levels I, II, and III, to—

- (1) Deter unauthorized access to the vessel and its restricted areas;
- (2) Deter the introduction of prohibited weapons, incendiaries, or explosives aboard the vessel;
- (3) Encourage vigilance, as well as general awareness of security, aboard the vessel;
- (4) Provide adequate training to members of the crew for security aboard the vessel;
- (5) Coordinate responsibilities for security with the operator of each terminal where the vessel embarks or disembarks passengers; and
- (6) Provide information to members of the crew and to law-enforcement personnel, in case of an incident affecting security.

(c) You must amend the Vessel Security Plan to address any known deficiencies.

(d) You must restrict the distribution, disclosure, and availability of information contained in the Vessel Security Plan to those persons with an operational need to know.

[CGD91-012, 63 FR 53590, Oct. 6, 1998]

§ 120.303 Who must submit a Terminal Security Plan?

(a) You must submit a Terminal Security Plan whenever—

- (1) There is an agreement with the owner or operator of a terminal that you will submit the Plan;